

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NUNZIO CALCE; ALLEN CHAN; SHAYA
GREENFIELD; AMANDA KENNEDY;
RAYMOND PEZZOLI; SECOND AMENDMENT
FOUNDATION; and FIREARMS POLICY
COALITION, INC.,

Plaintiffs,

-against-

CITY OF NEW YORK; and EDWARD A.
CABAN, in his official capacity as Commissioner
of the New York City Police Department,

Defendants.

No. 21-cv-8208 (ER)

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, pursuant to Rule 56 of the Federal Rules of Civil
Procedure, Plaintiffs move for summary judgment and issuance of a:


1. a permanent injunction restraining Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice, from enforcing N.Y. Penal Law §265.01(1) in respect of “electronic stun guns” and “electronic dart guns,” and from enforcing N.Y.C. Administrative Code §10-135;
2. a declaratory judgment that N.Y. Penal L. §265.01(1) in respect of “electronic stun guns” and “electronic dart guns” and N.Y.C. Administrative Code §10-135 have no plainly legitimate sweep and are unconstitutional in all applications, or alternatively, are unconstitutional as-applied; and
3. such other and further relief, including injunctive relief, against all Defendants, as may be necessary to effectuate the Court’s judgment, or as the Court otherwise deems just and equitable.

PLEASE TAKE FURTHER NOTICE that Plaintiffs rely upon the memorandum of law and supporting declarations and exhibits filed herewith, as well as the pleadings and prior filings in this action.

PLEASE TAKE FURTHER NOTICE that Plaintiffs request a hearing and oral argument on their motion.

Dated: New York, New York
March 1, 2024

DAVID JENSEN PLLC

By: 
David D. Jensen, Esq.